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MONTANA LEGISLATIVE HISTORY

Chapter 43 1985

Bill H 233 S _____ Original bill & history ___C

Business & Labor - re-referred to:

H. Committee on Agriculture		S. Committee on Agriculture	
Hearing Date(s) 1-23	___C	Hearing Date(s) 2-13	___C
1-25	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out 1-25	___C	DATE out 2-13	
mt 1-25		mt 2-13	

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

1/30	HEARING		
1/31	ADVERSE COMMITTEE REPORT		
2/04	BILL KILLED	88	12

HB 230 INTRODUCED BY SWIFT, THOFT, ET AL.
EXEMPT OUT-OF-STATE SCHOOL ATTENDEES FROM VEHICLE LICENSING FOR SUMMER WORK

1/17	INTRODUCED		
1/17	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/18	FISCAL NOTE REQUESTED		
1/24	FISCAL NOTE RECEIVED		
2/07	HEARING		
2/08	COMMITTEE REPORT-BILL DO PASS		
2/09	2ND READING PASS	86	9
2/12	3RD READING PASS	82	16
	TRANSMITTED TO SENATE		
2/13	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/14	HEARING		
3/19	TABLED IN COMMITTEE		

HB 231 INTRODUCED BY SWIFT, THOFT, ET AL.
INCREASE TAX EXEMPT. FOR CERTAIN RETIREMENT BENEFITS AND EXEMPT OUT-OF-STATE

1/17	INTRODUCED		
1/17	REFERRED TO TAXATION		
1/18	FISCAL NOTE REQUESTED		
1/25	FISCAL NOTE RECEIVED		
1/29	HEARING		
	DIED IN COMMITTEE		

HB 232 INTRODUCED BY BARDANOUVE
WATER AND/OR SEWER DISTRICT COMMISSIONER ELECTION

1/17	INTRODUCED		
1/17	REFERRED TO LOCAL GOVERNMENT		
2/02	HEARING		
2/06	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/07	2ND READING PASS AS AMENDED	91	0
2/08	3RD READING PASS	99	0
	TRANSMITTED TO SENATE		
2/09	REFERRED TO NATURAL RESOURCES		
3/06	HEARING		
3/07	COMMITTEE REPORT-BILL CONCURRED		
3/08	2ND READING CONCURRED	49	0
3/11	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/14	SIGNED BY SPEAKER		
3/14	SIGNED BY PRESIDENT		
3/14	TRANSMITTED TO GOVERNOR		
3/15	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 73 EFFECTIVE DATE: 10/01/85		

HB 233 INTRODUCED BY GRADY, HANSON, ET AL.
NAME CHANGE FOR BOARD OF VETERINARIANS

HOUSE FINAL STATUS

1/17	INTRODUCED		
1/17	REFERRED TO BUSINESS & LABOR		
1/18	REREFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.		
1/23	HEARING		
1/26	COMMITTEE REPORT-BILL PASS AS AMENDED		
1/30	2ND READING PASS	94	0
1/31	3RD READING PASS	98	2
	TRANSMITTED TO SENATE		
2/04	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.		
2/13	HEARING		
2/14	COMMITTEE REPORT-BILL CONCURRED		
2/16	2ND READING CONCURRED	47	0
2/19	3RD READING CONCURRED	44	0
	RETURNED TO HOUSE		
2/21	SIGNED BY SPEAKER		
2/22	SIGNED BY PRESIDENT		
2/22	TRANSMITTED TO GOVERNOR		
2/27	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 43 EFFECTIVE DATE: 2/27/85		

HB 234 INTRODUCED BY DRISCOLL
WC INSURANCE PREMIUM RATES TO BE BASED ON HOURS WORKED FOR CONSTRUCTION INDUSTRY

1/17	INTRODUCED		
1/17	REFERRED TO BUSINESS & LABOR		
1/18	FISCAL NOTE REQUESTED		
1/24	FISCAL NOTE RECEIVED		
2/11	HEARING		
2/14	ADVERSE COMMITTEE REPORT		
2/15	BILL KILLED	86	11

HB 235 INTRODUCED BY PECK, H. HAMMOND, BERGENE, ET AL.
REQUIRE ANESTHESIOLOGIST TO ADMINISTER GENERAL ANESTHESIA DURING DENTAL ACTS

1/17	INTRODUCED		
1/17	REFERRED TO HUMAN SERVICES & AGING		
1/23	HEARING		
2/15	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/15	STATEMENT OF INTENT ATTACHED		
2/16	2ND READING PASS AS AMENDED	92	1
2/19	3RD READING PASS	96	2
	TRANSMITTED TO SENATE		
2/21	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/22	HEARING		
3/28	COMM REPORT-BILL CONCURRED AS AMENDED STATEMENT OF INTENT AMENDED		
3/30	2ND READING CONCURRED AS AMENDED STATEMENT OF INTENT AMENDED	44	0
4/01	3RD READING CONCURRED	46	1
	RETURNED TO HOUSE WITH AMENDMENTS		
4/04	2ND READING AMENDMENTS CONCURRED	87	6
4/05	3RD READING AMENDMENTS CONCURRED	87	6

(To be kept current -- post bills when entering being heard or leaving committee.) Form CS-32

STATUS SHEET

49TH LEGISLATIVE SESSION

COMMITTEE ON BUSINESS AND LABOR

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
233	1-17		REREFERRED TO AGRICULTURE						
234	1-17	2-11/2-13	2-13		2-13				
236	1-17	2-6	2-6	2-6					
237	1-17								
251	1-18	1-25	1-25			1-25			
261	1-18	1-23/1-25		TABLED					
263	1-19	1-22/1-23 1-24	1-24			1-24			
264	1-18	1-22/1-23	1-23			1-23			
272	1-19	1-28	1-28			1-28			
273	1-19	1-24/2-20		TABLED					
278	1-19	1-28		TABLED					
280	1-19	1-25	1-25			1-25			
284	1-19	1-29/2-5 2-7	2-7			2-7			
285	1-19	1-25	1-25	1-25					
290	1-21		RERE FERRED TO HUMAN SERVICES						
295	1-21	1-30/2-14	2-14			2-14	(SUBCOMMITTEE)		

Use a separate sheet for Senate, House Bills, and Resolutions

(To be kept current -- post bills when entering being heard or leaving committee.)

Form CS-32

STATUS SHEET

49TH LEGISLATIVE SESSION

COMMITTEE ON AGRICULTURE

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
60	1-7-85	1-11-85	1-11-85			1-11-85			
61	1-7-85	1-11-85	1-11-85			1-11-85			
110	1-7-85	1-14-85	1-14-85	1-14-85					
148	1-11-85	1-16-85	1-18-85			1-18-85			
233	1-18-85	1-23-85	1-25-85			1-25-85			
349	1-22-85	1-28-85	1-28-85			1-28-85			
350	1-22-85	1-25-85	1-25-85	1-25-85					
459	1-24-85	1-30-85	1-30-85			1-30-85			
386	1-23-85	TABLED							
486	1-25-85	1-30-85	2-4-85			2-4-85			
506	1-26-85	2-4-85	2-21-85			2-21-85			
512	1-26-85	2-4-85	TABLED						
621	2-1-85	2-11-85	2-11-85			2-11-85			
659	2-4-85	2-13-85	TABLED						
682	2-5-85	2-15-85	2-18-85			2-13-85			
716	2-8-85	2-13-85	2-21-85			2-21-85			

Use a separate sheet for Senate, House Bills, and Resolutions

MINUTES OF THE MEETING
AGRICULTURE COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 23, 1985

The meeting of the Agriculture Committee was called to order by Chairman Schultz on January 23, 1985 at 3:25 p.m. in Room 317 of the State Capitol.

ROLL CALL: All members were present with the exception of Representative Rapp-Svrcek who was excused by the Chairman.

HOUSE BILL NO. 233: Representative Grady, sponsor of the bill, stated that this bill is a request by the State Board of Veterinarians for the Montana Veterinarians Association. He introduced Ken Kelly, lobbyist for the Montana Veterinarians Association, to explain the bill to the committee.

PROPONENTS: Ken Kelly explained that the purpose of the bill was to put the changes into current law. He then went through the changes with the committee and explained what each change was doing. Page 1, line 16 was just to change the Board of Veterinarians to the Board of Veterinary Medicine. The reason for this change is to conform with other states and it is easier to communicate with other agencies. Page 2, line 16 just requires a title change. Page 3, line 24 was to put dentistry in along with inserting "ova or embryo transplant" back in. Page 5, subsection E is put in so they are allowed to hire interns. Page 6, line 15 is just to change the date from July 1 to November 1. Page 7, line 1 is for the students when they are licensed the first time they don't have to take it again. Title, line 12 insert "and providing an immediate effective date." New section; Page 8, line 14 effective upon passage and approval.

There being no further proponents or opponents of the bill, Representative Grady closed the hearing by saying that this bill won't affect anyone from doing their own transplant.

DISCUSSION ON HOUSE BILL NO. 233: Representative Jenkins asked what would happen to the students who graduate in the spring. Would they have to wait to get their license in November? Mr. Kelly replied that they get their license when they graduate.

Representative Cody questioned Mr. Robert Painter, from the Montana Veterinarians Association, how many veterinarians are in the state? Mr. Painter replied that there are about 340.

Representative Holliday asked Mr. Kelly to explain more clearly Page 7, line 12. She asked if this is only renewal for the first year? Mr. Kelly replied to her question by saying that they can renew their license by taking 10 hours of credits per year.

There were no further questions from the committee.

CONSIDERATION OF HOUSE BILL NO. 233: Representative Jenkins moved to pass House Bill No. 233 as amended. He then withdrew his motion because Representative Cody wanted to see the bill after it has all the amendments on it.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 4:00 p.m.

JAMES SCHULTZ, Chairman

lcb

MINUTES OF THE MEETING
AGRICULTURE COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 25, 1985

The meeting of the Agriculture Committee was called to order by Chairman Schultz on January 25, 1985 at 3:15 p.m. in Room 317 of the State Capitol.

ROLL CALL: All members were present.

Chairman Schultz turned the committee over to Vice-Chairperson Holliday.

CONSIDERATION OF HOUSE BILL NO. 350: Rep. Schultz, sponsor of the bill, stated that this bill would clarify the fact that all applicant fees, including registration fees, would be nonrefundable. This fee would cover application review costs incurred by the department. This would also clarify what information is required when applying for a permit or registration. (Exhibit A attached hereto)

PROPONENTS: Keith Kelly from the Department of Agriculture, stated that the department supports this bill.

There being no further proponents or opponents to the bill, Representative Schultz closed.

DISCUSSION OF HOUSE BILL NO. 350: Representative Cody asked Mr. Kelly what happens to the $25 fee. Mr. Kelly informed her that a part of it goes to the cost to run the program, a portion of it goes to the general fund and the other portion goes to the laboratory.

There were no further questions. Vice-Chairperson Holliday closed the hearing and Representative Schultz assumed the chair.

DISPOSITION OF HOUSE BILL NO. 350: Rep. Jenkins made a motion to DO PASS House Bill No. 350. Rep. Fritz seconded the motion. House Bill No. 350 PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 233: Rep. Patterson moved that House Bill No. 233 DO PASS AS AMENDED. Rep. Fritz seconded. House Bill No. 233 PASSED UNANIMOUSLY.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 3:30 p.m.

James M. Schultz
JAMES SCHULTZ, Chairman

lcb

STANDING COMMITTEE REPORT

January 25 19 85

MR. Speaker:

We, your committee on Agriculture

having had under consideration Senate Bill No. 333

first reading copy (white color)

NAME CHANGE FOR BOARD OF VETERINARIANS

Respectfully report as follows: That Senate Bill No. 333

BE AMENDED AS FOLLOWS:

1. Title, line 6.
Following: "IT"
Strike: Remainder of line 6 through "FROM" on line 7

2. Title, line 9.
Strike: "ELIMINATING THE EXEMPTION FOR"
Insert: "CHANGING PROVISIONS RELATING TO"

3. Title, line 12.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

DO PASS AS AMENDED

Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

4. Page 3, line 24.
Following: "acupuncture"
Insert: ","
Strike: "or"
Following: "transfer"
Insert: "ova or embryo transfer, or"

5. Page 5, line 11.
Following: "state;"
Insert: ";"

6. Page 5.
Following: line 23
Insert: "(c) the employment as assistants to veterinarians licensed and registered under this chapter of veterinary medical students who have successfully completed 3 years of the professional curriculum in veterinary medicine at a college having educational standards equal to those approved by the American veterinary medical association and authorized by law to confer degrees"

7. Page 5.
Following: line 14
Insert: "NEW SECTION. Section 7. Extension of authority. Any existing authority of the board of veterinarians (herein changed to board of veterinary medicine) to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 8. Effective date. This act is effective on passage and approval."

hb233.ter
pc2/kjp

AND AS AMENDED,
DO PASS

1/26

STATE PUB. CO.
Helena, Mont.

Chairman.

CHAIRMAN--BOYLAN, PAUL
NORMAL SCHEDULE==> SITE: ROOM 413/415 DAYS: M-W-F TIME: 1:00-3:00 P.M.
SECRETARY-TENNESON, RITA

--BILL NO---	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0060	1/18	1/25		CONCUR		1-25
HANSON, MARIAN W.			INCLUDE GVW ENFORCEMENT OFFICER IN LIST OF LIVESTOCK PERMIT INSPECTORS			
HB0061	1/18	1/25		CONCUR		1-25
HANSON, MARIAN W.			PROVIDING PENALTY FOR VIOLATION OF BRUCELLOSIS VACCINATION REQUIREMENTS			
HB0070	2/04	2/15		CONCUR		2-04
HAND, BILL			REDUCING LEASES OF STATE LANDS WHEN UNDER SPRINKLER IRRIGATION			
HB0110	1/18	1/25		CONCUR		1-25
SCHYE, TED			ELIMINATING 10-YEAR LIMIT ON AGRICULTURAL LEASES			
HB0148	1/28	2/06	2/06	CONCUR		2-6
MANUEL, REX			REVISING PESTICIDE TRAINING REQUIREMENTS FOR FARM APPLICATORS			
HB0233	2/04	2/13		CONCUR		2-13
GRADY, EDWARD J.			NAME CHANGE FOR BOARD OF VETERINARIANS			
HB0297	2/07	2/15		CONCUR		2-15
COMPTON, DUANE D.			REMOVES REQUIREMENT THAT LEAF-CUTTING BEE LABORATORY BE LOCATED AT MSU			
HB0316	2/04	2/11		CONCUR		2-11
KRUEGER, KURT D.			REVISING STRUCTURE AND AUTHORITY OF RANGELAND RESOURCES COMMITTEE			
HB0317	2/06	2/13		CONCUR	TAXATION	2-13
WILLIAMS, J. MELVIN (MEL)			CLARIFYING THE DEFINITION OF LIVESTOCK FOR PROPERTY TAX PURPOSES			
HB0349	2/06	2/15	2/18	CONCUR		2-18
DONALDSON, GENE			AMENDS EXEMPTION PROVISION OF COMMODITY DEALER LICENSING LAW			
HB0350	2/04	2/08		CONCUR		2-8
SCHULTZ, JAMES M.			REVISES REQUIREMENTS FOR REGISTRATION AND DISTRIBUTION OF COMMERCIAL FEED			

As of January 1 each year, they have to turn in the number of head of all mink they have.

In closing, Representative Melvin Williams said there was a bill before the House Taxation Committee to exempt mink up to 11 months of age that were not capable of producing. It was killed in committee. The new definition in this bill provides that all animals be taxed at the present time in all these categories. It makes the definition clear for the Department of Revenue.

HB 233: Representative Ed Grady, HD 47, introduced the bill at the request of the Board of Veterinarians. The bill changes the name of the Board of Veterinarians to the Board of Veterinary Medicine, changes the renewal date, and includes animal dentistry as a practice of veterinary medicine.

PROPONENTS: K. M. Kelly, representing the Montana Veterinary Medical Association, supported the bill. Most of these are housekeeping changes. Line 19, p 2, the Board of Veterinarians is changed to Board of Veterinary Medicine to make it more consistant with their national organization and is more definitive. Line 19, p 2, conforming change. Top of p 4, line 2, the original bill, when drafted, dropped out ova or embryo transplant and they are adding it back and adding the provision for the practice of dentistry in the definition of veterinary medicine. This includes floating of teeth in horses or cows, and teeth pulling or grinding in dogs and other animals. P 5, line 15, the original bill deleted the entire section E. During the hearing the Council of the House Agriculture Committee determined that, by deleting entire section E, it deleted the Veterinarian's perogative to hire third year students or interns so they had to put everything back in up to the word, "however," on line 21. Section 307, lin3 25, regarding renewals, fees and continuing education. They have changed the date from July 1 to Nov. 1 to stagger the work load for licensing at the Department of Commerce. They have some 150 boards that come due on July 1st. Page 7, line 11 pertaining to new licensees securing licenses by July 1 is deleted and now reads shall be granted a renewal the first year without attending the educational program. Line 18 is a conforming change. Line 17, p 8 a conforming change. Beginning on line 25, p 8, a new section added, the extension of authority that has to accompany any new legislation. New section - the effective date upon passage and approval. Additional testimony, Exhibit #1.

OPPONENTS: None

Committee questions: Senator Aklestad - Did we have a big problem before this bill. Dr. J. C. Burkhartsmeyer, Board of Veterinarians - This is a housekeeping bill for the Board to make the practice work smoother. The name change is to conform to the way things are done in most other states. We regulate other things besides straight veterinarian. We regu-

late the practice of veterinary medicine. The word dentistry was somehow omitted from the original practices act. The date change was at the request of the Department of Commerce.

Senator Galt - Why the rush for the immediate effective date? Dr. Burkhartsmeyer - Because the laws go into effect on October 1. Our licenses come due on June 30 or July 1st. If we left it, we would be in limbo for five months. Senator Galt - The present Board would still be in effect. Dr. Burkhartsmeyer - We could relicense July 1 and only have a 6 months license.

Hearing closed on HB 233.

HB 459: Representative Dean Switzer, HD 28. The bill changes regulations of the livestock marketing laws. Section 2 had been written out because of an oversight. The term livestock broker is eliminated and changed to livestock dealer and described on p. 5. It does not include farmer or rancher. On p. 7 the fine is levied under a different chapter of the law and the penalty is 50% to the Department of Livestock and 50% to the county in which the offense occurs. Changes that continue are changing words from brokers to livestock dealers and renumbering many of the sections. On the bottom of p. 9, the new language starts regarding the person who pays for livestock with a bum check knowlingly and hasn't taken care of it within 5 days. He becomes guilty of a felony. That is the principal change to the law. Licensed dealers are referred to on p. 14. A person licensed to buy and sell cattle can be suspended where, in the past, he could get a willing dealer who had a license to allow him to buy cattle and continue right along. It addresses the distribution of fines again in the last section of the bill. The whole thing came about with the people gathered in Glendive last September at the 5 state conference on the interstate movement of livestock. It was probably precipatated by activities in Montana where they had lost a lot of money through a bum check writer, and were having the same problem in North Dakota. Each state at the 5 state conference was going to try to do something to tighten up their laws on penalties for writing bum checks for livestock.

PROPONENTS: Les Graham, Department of Livestock. This does eliminate the definition of the broker and makes it all inclusive under the definition of dealer. It doesn't change the basic definition of dealer. It still exempts the livestock rancher or producer and farmer in the normal course of his business and the Department has not had problems in the 12 years the Dealers Licensing Law has been in effect. It does say, though, that once a dealer is refused a license, he can't go and find another dealer who will accept him and keep him in business. This is what precipated the problem on the Highline in eastern Montana three years ago. David Moso was turned down by the Department for a license. He found another person to cover him and, under law, the Department couldn't deny it. He wrote $1,300,000.00 in bad checks. The Department did recover some

the Resolution on to the Senate floor.

DISPOSITION OF HJR 17: Senator Hammond moved HJR 17 BE CONCURRED IN. Motion carried unanimously. Senator Severson will carry the bill on the Senate floor.

DISPOSITION OF HB 233: Senator Aklestad moved HB 233 NOT BE CONCURRED IN.

John MacMaster, Legislative Council, explained to the committee there was something which didn't come out during the hearing. There was one provision which wasn't spoken to on p. 5, lines 21 through 25 and the 1st line on p. 6, regarding hiring the third year veterinary school student. The contract of hire has to be ok'd by the Board and you can't hire them for more than six months. One of the problems was if you hire them for 6 months then you have to get rid of them because you can only hire them for 6 months. It was thought it senseless to hire this person and then, after 6 months, you have to get rid of him after he has learned something. Then you have to go out and hire another person for 6 months. They deleted that provision and allowed to hire him for longer than 6 months. Basically it would be until he gets out of school and finished his third year. The rest of subsection E on p. 5 was put back in the House because they realized if you take out the first sentence, then you can't hire him at all. It is the first sentence that lets them do the hiring.

Senator Aklestad agreed with Senator Kolstad's comment that they would be back in next session at another $3000 cost for the bill, so he withdrew his motion.

Senator Bengtson moved HB 233 BE CONCURRED IN. Motion carried. Senator Bengtson will carry the bill on the floor.

DISCUSSION ON HB 459: Senator Bengtson asked John MacMaster to speak on some questions he had in regard to closing the loophole and making it a felony that that is prima facia evidence they are having intent to comit a crime with the bad check. John - It says if a person has an account with the bank and he fails to make good on this check, then after 5 days after he has received written notice that it has bounced, that is prima facia that he knew it would not be paid. Now if you go back up to lines 1 & 2 on page 10, it says he has written that check knowing it will not be paid. What is happening here is, under the codes 26-1-102, "Prima facia evidence is that evidence which proves the particular fact until it is contradicted and overcome by other evidence". You are talking about a basic element of the defense, that you intended to bounce this check. If you call it prima facia evidence, then the state does not have to prove intent. Intent stands proven until the defendent proves he didn't have intent. The person is innocent of intent until the state proves he is guilty. If you show he was given notice

STANDING COMMITTEE REPORT

FEBRUARY 13 19 35

MR. PRESIDENT

We, your committee on AGRICULTURE, LIVESTOCK & IRRIGATION

having had under consideration HOUSE BILL No. 233

third reading copy (blue color)

Grady (Bengtson)

NAME CHANGE FOR BOARD OF VETERINARIANS

Respectfully report as follows: That HOUSE BILL No. 233

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

PAUL F. BOYLAN, Chairman.